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THE LEGAL PROFESSION IN SCOTLAND.

I. THE JUDICATURE.

The Judges in Scotland, like those in England and elsewhere, belong to two classes, the salaried and unsalaried, but it is characteristic of the Scottish system that in it the unsalaried are of comparatively little consequence. The salaried judges do practically the whole judicial work of the country, and of them accordingly I shall have most to say. It will simplify matters if I begin by stating some points common to all of the salaried judges in Scotland, whether they belong to the Supreme or inferior courts.

All salaried judges in Scotland are appointed *ad vitam aut culpam* and are removable only with great difficulty for misconduct. The judges of the Supreme Court cannot be removed except upon an address presented to the Sovereign by both Houses of Parliament. In this way the consent of all three branches of the Legislature is required. The judges of the lower courts can be removed only by the Supreme Court, or upon a report by the two heads of the Supreme Court to the secretary for Scotland, as representing the Ministry. Practically, the appointments are for life, and no instance of the removal of any judge high or low has occurred for the last half-century. There is no specified age at which a judge is bound to retire, and although complaints are sometimes heard that judges continue to hold office, when it would be better that they should retire, there seems little prospect of any remedy being applied.

In Scotland all judges are appointed by the Sovereign upon the recommendation of the Secretary of State for Scotland. There is no such thing as the appointment of any judge by popular election or by any authority inferior to that of the crown. The appointments are almost invariably political,—that is to say, the Secretary for Scotland being a crown minister, recommends for

appointment persons from his own party. This works better than at first sight would appear. The Secretary of State is bound, according to popular opinion, always to appoint the best available man from his own side, and, though popular opinion is by no means shocked by a better man belonging to the opposite side being passed over, there would be a very considerable outcry were an inferior man on his own side promoted over a superior man who was willing to take the appointment. Jobs no doubt are said to occur in Scotland, as elsewhere, but, upon the whole patronage within each party is fairly administered, and each party having its turn of office pretty regularly, in alternate fashion, according to the swing of the political pendulum, a tolerably fair distribution of appointments is made. Occasionally indeed, the Secretary for Scotland may make an appointment from the other side of politics if there be no outstanding man upon his own side, and in such a case the courtesy is almost invariably returned when the other side comes into office. The evil connected with the political nature of the patronage is, that sometimes men who have entered the House of Commons or who have otherwise dabbled in politics are preferred to men whose claims as lawyers are considerably stronger.

All the Scottish judges, with the exception of certain judges in the lower courts whose duties are not much more than nominal, are obliged to give their whole time to the duties of their office. It is contrary to principle for a Scottish judge to continue to practice in any shape, and when a judge has once taken his place upon the bench, it scarcely ever happens that he returns to practice in the courts. He devotes himself for the rest of his life to his duties, and the reward to him for surrendering his practice, or his hopes of one is that when he fails to be able to perform his duties as judge, he is allowed to retire upon what must be considered a fairly liberal pension.

The salaries of all the salaried judges are fixed under statute, and are payable from the consolidated fund. Their salaries accordingly are not on the same footing as the salaries of the civil servants, and do not require to be voted annually by the House of Commons. In this way the House of Commons has no opportunity of punishing for unpopular decisions. The salaries are awarded on a handsome scale, in the Supreme Court, ranging from \$18,000 to \$25,000 a year. The salaries of the judges of the lower courts are much more moderate and vary within considerably greater limits, the territorial jurisdictions of the inferior judges being of very varying extent. In their case the salaries

vary from \$3,000 to \$10,000, an ordinary salary for the larger jurisdictions being about \$5,000.

As is well known the legal profession in Scotland is divided, as in England, into counsel or advocates, and agents or solicitors. Judges are almost invariably selected from the ranks of counsel. It is so long since any judge of the Supreme Court was selected from anything but that class, that it has almost been forgotten that there is power to choose them from the other branch of the profession. Occasionally a judge in the lower court is still selected from among the solicitors, but instances of this are becoming more and more rare, and it is only in very exceptional circumstances that such an appointment is made. The most common occasion of appointing a judge from the solicitor class,—if one can speak of a thing being common which happens very seldom—is in the Highlands, where it is sometimes difficult to find amongst the advocates, one who understands the language of the natives.

When judges are once appointed there is practically no promotion. Whatever position a judge, upon leaving the bar, has been pleased to accept, he retains, as a rule, for the rest of his life. No doubt there are occasional exceptions, but when one looks at these exceptions one cannot help seeing that they rather support the rule, for in very few of the cases where a judge has been promoted, has the fact of his having given unusually good service in the lower office, been the inducing cause of his promotion to the higher. The effect of all this, is that the Supreme Court judges and the lower court judges are chosen from different classes of counsel. In the sister country it has sometimes been said that the higher Bench is filled from the successes of the profession, and the lower Bench from its failures; and if the getting of practice in the courts be the sole criterion of success, this is true also of Scotland. Successful pleaders sail pleasantly through the sea of practice to their haven under the hill in the Supreme Court. The judgeships in the lower courts are filled mainly from two classes,—from juniors who have never been launched, and from seniors who have stranded. Possibly the popular view, that success is to be judged only from the standard of practice, may be wrong, and there may be other fields in law where good work may be done, nay, where if that be an object even distinction may be acquired.

The result of all these different arrangements common to all the salaried judges is that they form a very independent class. They are independent of all outside influences and what is more, they are independent of the Government of the day. Once

appointed, however keen partisans they may have been before, they as an almost unbroken rule refrain from politics. The charge of partiality for private individuals is as unknown as is the charge of subservience to the Government of the day. The possibility that men so independent might neglect their duties is taken away by care in selection for appointment of none except those whose habits of industry are formed, and it may be that it is influenced to some extent by the fact which always exists, that indolence might be punished by removal.

I come now to speak separately of the higher and lower courts, and I begin with the higher. The Supreme Judges form the Court of Session. That court, which is not one of the ancient institutions of Scotland, was founded so recently as 1537 by James V. of Scotland, and was modelled by him after the Parliament of Paris. Previously to that time the Supreme Courts in Scotland had, like other early courts of the kind, no fixed place of sitting and had sat from time to time in such places as the King directed. In the great advance of letters and of civilization which had taken place about the end of the fifteenth century, Scotsmen had come to notice that their country in having no settled court was behind other countries. The time was one of great intellectual activity in Scotland. James V. son of the unfortunate King who had fallen at Flodden, and born only a year before that battle, had a long minority, the greater part of which was spent in France where he had married the daughter of Francis I. He had distinct literary tastes and was popular among the people, being known as the "King of the Commons." He died young—only about thirty years of age—soon after the birth of Mary, whose singularly unhappy career became so famous. The King was the last of the male line of the Royal Stuarts of Scotland, and like those of his ancestors, his sympathies were for the continent and his own country. England was to him only the hated and baffled aggressor of centuries back. Not to it could a Scotsman then look for aught that would help in law or justice. The foundation of a great National Court was a worthy act with which to close the line of Stuart, though its founder could hardly have realized, even when modelling his court after the most famous court of the day and after filling it with men who had adorned the most famous schools of law, that his new institution was to work a revolution in the old Scottish laws, and virtually to re-make them in the light of the revived Roman jurisprudence.

The number of the judges was fixed at fifteen. Of these, seven were to be clerics, seven lay, and the president might

belong to either class. The "Auld Fifteen," as the first judges were called, formed one chamber. Practically they were a court of one instance. Each of the judges took it in turn to sit in the "Outer House" for the preparation of causes. This judge looked after the written pleadings, took the examinations of the witnesses in writing, and administered the numerous oaths of parties which according to old practice were requisite when he had completed the preparation of the case. He did not himself decide it, but reported it to the other judges who sat in the "Inner House." All proceedings including the arguments were thus at first in writing, having been formed upon the model of the Ecclesiastical Courts. There were then and for a long time after no juries—the judges deciding both fact and law. After the causes had been prepared by the Outer House judge, there soon came to be a "hearing" in the Inner House, and the causes were debated by advocates, a class of whom had existed for a very considerable time prior to the foundation of the Court of Session. The public had at first no right of admission, but each party could be accompanied by a certain number of "Prolocutors," and numerous were the complaints about the bringing under that name of large bodies of armed retainers wherewith to awe the court. After the hearing before the Fifteen, parties were "removed" and then began what was called the "disputation." The judges sat round a table and argued, sometimes it is said with uncommon vigor, the merits of the case. When they came to a decision it originally was embodied in writing and no reasons appear than to have been assigned. At a later stage parties were allowed to hear the "advising;" that is, after the judges had argued the case among themselves and had made up their minds they allowed the parties to come back again and hear them give their reasons. So little, however, was it regarded as a matter of right that the reasons should be communicated that the parties were not allowed to make notes of them till at a much later date.

When first founded, it was intended that the jurisdiction of the Court of Session should extend to every cause; but as the old Ecclesiastical Courts of the Bishops were not abolished it was some time before this could be fully carried out. For long there remained two sets of Ecclesiastical Courts—namely, the Superior and the Inferior Commissary Courts. These courts asserted a wide jurisdiction, but in practice were limited to jurisdiction in marriage, divorce, legitimacy and moveable succession. They were subject to appeal to the Court of Session, but remained as courts of first instance until modern times.

The Constitution of the Court of Session remained with little change till the beginning of the present century, when the court was remodelled and placed on its present footing. The judges were reduced from fifteen to the suggestive number of thirteen and the Court was divided into two instances. Five of the judges continued to sit singly in the Outer House as Courts of the first instance. Under the new Constitution they were expected not only to prepare the causes, but as had become customary, to give judgment upon them, and from their judgments there was appeal to the Inner House, now divided into two divisions of four judges each, each division having coördinate powers. About the same time publicity of procedure was introduced, and the practice of having written arguments to a great extent abolished. Trial by jury in civil causes was also introduced.

The Building in which the Court of Session met deserves a word or two of notice. In their earliest days the judges met in a small room round a green table. Afterwards they sat in the tolbooth, or as we would now say, town house. This however was not the famous tolbooth known under the name of the "Heart of Midlothian," but an older building. Afterwards the inner house was a building opening off the still existing "Parliament House," and the outer house judges sat in the Parliament House itself, which was also used as the *Salle des pas perdus*. This Parliament House was built sometime before the Union with England and was intended to be occupied by the Scotch Parliament, but was never actually used by it. It remained till recently little changed, I remember when I first frequented it that two of the old "boxes," as they were called, where the outer house judges sat, were still preserved in it,—open on all sides to the crowd who walked up and down. The front part of them has now been removed, and the back portions utilized as niches for statues.

The character of the old court of sessions was remarkable. During the time of its existence, Scotland was the scene of continuous feuds, lay or ecclesiastic, and the judges before and even during the eighteenth century, were by no means famous for impartiality. It was not the vulgar bribery by money which was in question. That although common enough in the southern end of the Island, has scarcely even been known in Scotland. Their character for impartiality was tarnished by zeal for their friends and occasionally by zeal for party or for church. The story is told of one of them who last century was reproached with the example of another whose impartiality was beyond question. The reply was: "It is no credit to him; he is a kithless loon." The

language of the judges, originally Latin, was afterwards broad Scotch, and they were accustomed to express their opinions with a plainness of language which in the present day would be appalling.

We get a glimpse of the way in which they conducted themselves, from one of the annual addresses of the president of the court to the bar, which has been preserved. In 1633 Sir Robert Spottiswood, the then president, lectured the bar in round set terms, garnished with innumerable Greek or Latin quotations. He began by admonishing them to conduct themselves virtuously and honestly, and then proceeded to scold them vigorously for the many faults he attributed to them. He accused them of "keeping up the pieces," that is to say obtaining possession of and retaining the pleadings. He said that those were the most culpable that were the most employed, and told them that there never passed a day but that they had to commune with some of them about it, "as if it were for the rendering of a town." Then, he indulged in some sarcasms at their expense and proceeded to rate them for their unpunctuality. He reminded them that although a bell was appointed to ring at nine o'clock in order that they might go timeously to the tolbooth, and that although they were "ordained by statute" to be there before the bell ceased from ringing, yet they were not ashamed to go in at half an hour before ten at the soonest. Then he told them that they did worse, —sometimes even absented themselves all day without necessary cause, and when they did come they occupied the time with "tediousness and idle repetitions." Of course if he had lived at the present day he could never have said such things. —Then he proceeded to say that they had a most uncivil fashion of interrupting each other, and from that, he went on to their great offense—that they wanted respect for their superiors.—Duty, he told them, consisted in a willingness, a sense of shame, and a ready obedience to their betters. To honor and respect the judge was, he told them, one of the very first principles of the profession, and "yet," he said "even in public ye cannot forbear to repine at that which we find," and he reminded them that, "the party that is prejudiced by our decree doth proclaim ready enough that his cause was good but he was borne down by the credit and friendship of his adversaries." Then he told the advocates that for this they were greatly to blame. "We owe," he said, "this most to you. I will not stick to tell it, for the people is possessed with this opinion, and say that there is little regard had before us to the justice and equity of cases." He

finally admonished them: "suspect your own judgements rather than ours," and "quiet your passions and opinions, and acquiesce with that which shall be found."

Gradually, however, the reputation for partiality died out and nothing was left that was remarkable except a reputation for eccentricity and for conviviality. Their eccentricity found vent in many a joke both on and off the bench, and their conviviality was notorious. They dined early in the day and sometimes it is said continued their potations all night. The story is told of one of them that, a friend, calling in the forenoon, was told by the servant that his master was at dinner. The visitor replied that he thought his lordship did not dine till one o'clock. "True," said the servant, "but this is yesterday's dinner not quite done yet." Their potations, however, although lengthy, were not strong, French wine and Scots ale being the staple. They continued, for they were a conservative race, to drink claret long after Lord Methven's taxation had driven other people to Port. This continued into the present century, and claret being then expensive, the juniors were expected to refrain from it when it was passed round at the judges' dinners. The deference paid to age prevented the custom having the inhospitable look it would now have, but the juniors came not to admire it. The story is told of young Brougham that he ignored this and helped himself to the claret. When he did this a second time, a judge said: "Maister Brougham, that's claret." Brougham's reply, "Yes my lord, and very good claret too," ended the custom.

Their wit sometimes was cruel. The story is told of one of them, Lord Braxfield, that he had to sentence to death for sedition a man with whom he used to play chess. In sentencing him his remark was "That's mate to you." Sometimes they had a lighter wit and I remember one of the last of them who spoke in Scotch giving a caustic specimen of it. A young counsel who had to defend the relevancy of a pleading which had been drawn by his senior replied (somewhat impertinently) to the judge when asked what he could say in defense of it, "Oh my lord, I did not draw it." "Yes," said the judge, "but you don't mean that that of itsel' shows it to be right." Nowadays things have changed and one need no more expect to hear Doric wit in the Court of Session than to hear the English judges joking in the Yorkshire dialect. Little remains of the old picturesque fashions save the robes of the sixteenth century, still resplendent with scarlet and crimson and white, as they came from the French judges, with whom they had survived from old clerical fashions. The most odd feature of the costume is the little bob wig of the early eighteenth century

which surmounts it all. At the time when everybody wore these wigs the judges followed the prevailing fashion, and, as judges never abandon any habits, these wigs still surmount in the most incongruous fashion the venerable robes. Other curious customs still remain. There is the custom of taking a judge on trial after he has received his letter of appointment from the Crown. The judges gravely assemble to hear the letter read and stand to hear it, for is it not Her Gracious Majesty's message? Then they consent to take the Crown nominee on trial, for even a Sovereign may err when it comes to a question of knowing somebody who knows Scots Law. They send the nominee off to the Outer House with a judge to hear a case. The nominee returns after hearing it with the judge who has taken him in tow. This judge gives his report of the case, and then the nominee is called upon to say how he would decide it. The judges hear his opinion with the gravest courtesy. I have seen them proceed deliberately to disagree with it, but to say that although they did not think his opinion right, still it showed a very sufficient knowledge and entitled him to a seat on the Bench. They then pass him, each learned brother shakes him by the hand, and the President, addressing him by the title he is to adopt, bids him take his seat on the bench. The title, too, is a quaint relic of the past. Each Supreme Court judge gets the title of "Lord" not possibly as matter of strict legal right but as matter of old invariable custom, both on and off the bench. The older lords were also "Lairds," and the title was always prefixed to the name of the estate. Thus Mr. Home of Kames became on taking his seat on the bench Lord Kames. This custom is still kept up, though it is now more usual to use the title in connection with the surname. The old custom had its disadvantages, for the wife got no corresponding title, and when Lord Kames, for example, traveled about with Mrs. Home, hotel keepers abroad were sometimes puzzled. It is said of James V. that the inconvenience was pointed out to him, but that he turned it off with the remark that he had made "the carles lords, but was not to make the carlines ladies."

While the Court of Session has now the entire charge of all civil questions in Scotland, criminal jurisdiction is vested in the Justiciary Court. This was once a quite separate Court and its Constitution is older than that of the Civil Court. It is now formed of the same judges as the Court of Sessions, the only difference being that when they sit as Lords of Justiciary, they wear another set of robes and have a separate staff of registrars. The Lord President of the Court of Session when he sits in the Justiciary Court, takes the title of Lord Justice General. Usually the Court is presided

over by the President of the second division who sits as Lord Justice Clerk, a title doubtless derived from the *justiciarii clerici* of very remote times. The Justiciary Court being the supreme Criminal Court has cognizance of all the more serious crimes and has primitive jurisdiction in capital offenses.

From the Court of Session there is appeal to the House of Lords at Westminster. This came in place of the appeal from the Court of Session to the states of Parliament, which existed prior to the Union of 1707. There being no mention of it in the act of Union, it was for some time a question of doubt whether it existed, but the House of Lords began early to exercise the right and finally it came to be fully recognized. In theory the House of Lords is a very anomalous tribunal, but in practice, only the Law Lords sit upon appeal cases. The appeal is a very expensive one and is used only in important causes. There is no appeal from the Justiciary Court.

The sheriffs are the Judges of the lower courts, one or more of which is established in every county. These courts are a survival from the earliest times. The Saxon County Court consisted of the sheriff, the earl and the bishop. When earl and bishop ceased to sit we have no record. We can trace the sheriff in Scotland as the sole judge of the County Court as far back as our annals can go. The Saxon "Scirgerefa" corrupted by the learned class into "sheriff," by the unlearned into "shirra," has continued without break during all the historic period to exercise his judicial functions. While in England he has degenerated into a mere executive officer, and while the same fate seems to have overtaken him in America, he remains in Scotland clothed with most of his original functions. How he was appointed in the Saxon times in Scotland, we do not exactly know. Probably in the part of Northumbria which lay within the present confines of Scotland, he was appointed in the same way as in the rest of the Anglo Saxon world. As the Saxon (or rather, Anglian) part of Scotland dominated the Celtic in all matters, all the Scottish Counties came after the consolidation of the kingdom to have sheriffs. Possibly some Celtic tribal official, perhaps the Mormaor was converted into him. When the Norman influence came in, he was appointed by the King and came to be known as the King's sheriff. Finally under the Stuarts the office became hereditary and it continued so until the end of the last civil war in 1747. Originally the sheriff had apparently had jurisdiction over the whole county, but in the Norman times, many of the barons had grants as lords of "Regality," which gave them within their territories a concurrent jurisdiction.

As the shires were the remains of independent principalities, it was a matter of course that in early times their judges had plenary jurisdiction. Remains of that state of matters still exist. The jurisdiction of the Scotch sheriff courts resembles in many respects that of a Supreme Court. Their judges have all the powers in their courts which Supreme Court judges have, and like them they are while in court addressed as lordships. As holding the Royal Judicial Commission, they are entitled if they please, to wear silk like the English county court judges, but they are content with the stuff gown of the advocate, surmounted as usual by the bob wig. Their title out of court is "sheriff"—a title used only in Scotland. In many matters their jurisdiction is still, like that of a Supreme Court, unlimited. In the Norman times their jurisdiction suffered limitation from the feudal idea that titles to lands were too important matters to be judged of by inferior courts; but the very proceedings by which they were deprived of jurisdiction in that matter, showed that they originally possessed it. In questions connected with land, they are now limited to deciding points that arise on contracts and on points of possession. Another limitation of their jurisdiction came from the rise of the Ecclesiastical Courts, the higher commissary courts taking their jurisdiction in matrimonial and legitimacy questions, and the lower commissary courts their jurisdiction in cases of moveable succession. In almost all other matters their jurisdiction is concurrent with that of the supreme court and is practically unlimited, so that at the present day they decide in all questions of debt, and moveable right and bankruptcy, to any amount. The distinction between law and equity being unknown in Scotland, they are courts of both. They are favorite courts with the common people and a good deal of the jurisdiction of which they were deprived has recently been restored to them. The lower commissary courts were merged in them, and recently to a limited extent they have obtained jurisdiction in questions of title to land. Their procedure was till lately modelled on that of the Ecclesiastical courts and entirely in writing. Trial by jury except in criminal cases was never known, and to this day is incompetent. Where a case is to be tried by jury, it must, if it have been begun in the sheriff court, be removed to the Court of Session. The form of procedure has remained substantially the same, the only difference being that oral argument has been substituted for writing, and that the evidence in place of being written out by the judge is now written by shorthand writers. From the sheriff court in all actions above £25 in value, there is an appeal to Inner House of the Court of Session.

The criminal jurisdiction of the sheriff courts was once extensive, the judges of it having had till last century the power of life and death. Under the old law they possessed the power of deciding on everything except the four pleas of the crown, namely, deliberate murder, rape, robbery and fire raising. They now possess jurisdiction in the last two, and they have jurisdiction in every other crime. Their power of punishment however is now limited. Capital punishment they can no longer inflict. They once had the power of banishment, but only from the county and they never had the power to banish from Scotland. Accordingly the power of inflicting penal servitude, which was substituted for banishment from the country, was never possessed by the sheriff courts. Their highest power now is that of imprisonment, and as it is not customary to imprison for more than two years, the jurisdiction of the sheriff is now limited to cases where the public prosecutor thinks that that punishment will be enough. The sheriff has also the power of imposing arbitrary fines. In all cases where more than sixty days' imprisonment is to be awarded, he has as a rule to summon a jury. Where that amount of punishment is sufficient, he can try the case summarily.

The staff of the Sheriff Court Judges is in an anomalous position. The old Saxon office of Sheriff has in course of time come to be split up into three offices—that of the high sheriff, that of the sheriff depute, and that of the sheriff substitute. During the time of the office being hereditary, the sheriff, usually a powerful landowner, was too great a man and too indifferent a lawyer to be troubled with legal work. He reserved for himself the stately functions of presiding over the freeholders, keeping the peace, and representing the shire on great state occasions, leaving the court work to a deputy. When the hereditary jurisdictions were abolished, this division of the office was stereotyped. The office of high sheriff was appointed to be conferred annually or during the sovereign's pleasure, and he was debarred from interfering with law. The duty of presiding in the law courts was given exclusively to the sheriff depute, and precautions were taken that he should be an educated lawyer and should reside for a certain time each year in the sheriffdom. Soon the sheriff deputies grew lazy and began to delegate their duties to substitutes. At first these last officials were honorary; then the sheriff deputies gave them a share of their own salaries; then they were recognized and paid by the public. Finally they got the position of permanent judges and the Crown assumed the duty of appointing them.

The judicial work is now, therefore, divided between the sheriff's depute and substitute. The sheriff depute has come to be the true anomaly of the Sheriff Court, but he survives in spite of the efforts of the law reformers of all shades of politics. Although a judge, he is allowed (in all but two instances) to practice. He does not reside within his jurisdictions and he may even mix himself with politics. He has the power (which he never exercises) of trying any cause in the court, and he sits as a judge of appeal, of an optional kind in most but not all cases—parties having power to go to him, or to the Court of Session, or in succession to both as they please. The sheriff substitute is the true judge ordinary, or trial judge, of the country. His rise has been rapid, and he is plainly enough destined to remain, when appellate jurisdiction is simplified by the excision of the intermediate stage of appeal now allowed between him and the Court of Session. In legal circles the word sheriff when used usually designates the sheriff depute; in the community, it usually designates the sheriff substitute.

The unpaid judges in Scotland require very few words. They consist of the magistrates in the old "Royal Burghs," and in certain other more modern burghs formed upon their model, and of the Justices of the Peace in the counties. The magistrates of old had a very large jurisdiction both civil and criminal—a jurisdiction equal to that of the sheriffs, and in the first half of the present century that jurisdiction was in many burghs still exercised. They now try nothing but summary criminal and police offenses,—the maximum punishment being imprisonment for sixty days. The magistrates are chosen by the Town Councillors, and these are elected by all the occupants of houses within the burghs. They are the only survivals of popular election to offices in any way resembling judgeships which remain in Scotland.

The Justices of the Peace were the invention of James I. (of England) who introduced them into Scotland after an English model. They never acquired a hold in this country, and their theoretical powers are limited to those which the burgh magistrates now exercise, but as a matter of practice the sheriffs having as a rule concurrent jurisdiction, the cases which they try are very unimportant and few in number. The Justices of the Peace are nominated by the Lord Chancellor on the recommendation of the Lord Lieutenant for the county and the considerations which lead to their appointment are largely political.

J. Dove Wilson.